

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC, *et al.*,

Defendants.

Civil No. 3:18-CV-02293(GC)(RLS)

MOTION DATE: October 17, 2022

**ORAL ARGUMENT REQUESTED**

---

**THE INDIVIDUAL DEFENDANTS' JOINDER AND NOTICE OF MOTION  
TO DISMISS THE CONSOLIDATED THIRD AMENDED CLASS ACTION  
COMPLAINT FOR VIOLATION OF THE FEDERAL SECURITIES LAWS**

---

THOMAS A. ZACCARO  
*thomaszaccaro@paulhastings.com*  
D. SCOTT CARLTON  
*scottcarlton@paulhastings.com*  
PAUL HASTINGS LLP  
515 South Flower Street, 25<sup>th</sup> Floor  
Los Angeles, California 90071-2228  
Telephone: 1(213) 683-6000  
Facsimile: 1(213) 627-0705

CHAD J. PETERMAN  
*chadpeterman@paulhastings.com*  
PAUL HASTINGS LLP  
200 Park Avenue  
New York, NY 10166  
Telephone: 1(212) 318-6000  
Facsimile: 1(212) 319-4090

*Attorneys for Defendants  
RIOT BLOCKCHAIN, INC., JOHN O'ROURKE, AND MICHAEL BEEGHLEY*

PLEASE TAKE NOTICE that on October 17, 2022, or at such other date as may be set by the Court, Defendants John O'Rourke and Michael Beeghley (together, the "Individual Defendants"), by and through their undersigned attorneys, will move the Honorable Georgette Castner, United States District Judge, Clarkson S. Fisher Building & Courthouse, 402 East State Street Room 4E, Trenton, New Jersey 08608, for an Order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b) (the "Reform Act"), dismissing with prejudice Lead Plaintiff Dr. Stanley Golovac's ("Lead Plaintiff") Consolidated Third Amended Class Action Complaint for Violations of the Federal Securities Law ("Third Amended Complaint" or "TAC"). The Individual Defendants additionally join and incorporate herein the facts and arguments made in the concurrently filed motion to dismiss by Riot Blockchain, Inc.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely on this Notice of Motion, the accompanying Memorandum of Law, the accompanying Request for Judicial Notice, the accompanying Declaration of Daniel Scott Carlton and the Exhibits attached thereto, and on such other written and oral argument as may be presented to the Court as well as all pleadings and proceedings had to date herein.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted

herewith.

DATED: July 18, 2022

PAUL HASTINGS LLP

By: /s/ Chad J. Peterman

CHAD J. PETERMAN

*chadpeterman@paulhastings.com*

200 Park Avenue

New York, NY 10166

Telephone: 1(212) 318-6000

Facsimile: 1(212) 319-4090

THOMAS A. ZACCARO

*thomaszaccaro@paulhastings.com*

D. SCOTT CARLTON

*scottcarlton@paulhastings.com*

515 South Flower Street

Twenty-Fifth Floor

Los Angeles, CA 90071

Telephone: 1(213) 683-6000

Facsimile: 1(213) 627-0705

Attorneys for Defendants

RIOT BLOCKCHAIN, INC., JOHN

O'ROURKE, AND MICHAEL

BEEGHLEY